



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/599,606

10/03/2006

Gook Young Lee

56587.42

1556

27128 7590 05/21/2012

HUSCH BLACKWELL LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS, MO 63105

EXAMINER

UBER, NATHAN C

ART UNIT

PAPER NUMBER

3622

NOTIFICATION DATE

DELIVERY MODE

05/21/2012

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner contacted Applicant to discuss the status of this application, particularly claim 11, as a result of the recent BPAI decision in which the Examiner's rejection was affirmed in part. The portion of claim 11 that the board deemed improperly rejected by Examiner is not allowable for a few reasons. The limitation includes a conditional phrase permitting a broadest reasonable interpretation of the limitation in which the limitation has no patentable impact on the scope of the claim. Further there is an antecedent basis problem in the limitation. Additionally the BPAI seemed to interpret this limitation to mean that a commission rate is "modified in a particular way," however the BPAI's interpretation does not appear to be supported by the original disclosure, Applicant's interpretation or Examiner's interpretation. Examiner explained that Applicant has until June 13 to act on this application. Their options include further appeal, filing and RCE with claim amendments or doing nothing and simply waiting for Examiner to respond. However Examiner also explained that after June 13th, Examiner must act on the case either by indicating allowable subject matter or re-opening prosecution. Examiner informed applicant that Examiner cannot allow claim 11 (for the reasons indicated above), thus after June 13th Examiner will likely reopen the application. Examiner also indicated that Examiner is willing to entertain proposed amendments to claim 11 to overcome the scope and 112 issues - and if Examiner is confident that the resulting claim limitation does not need further search or consideration - Applicant and Examiner may be able to avoid reopening prosecution. However Examiner also indicated that if the amended limitation needs examination an RCE would be necessary. No agreements were reached, except that Applicant and Examiner agreed to reconvene again between now and June 13th to discuss options and try to move the application forward in the most expedient manner. Examiner requested this interview, and Examiner appreciates Applicant's time and attention.